

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRY PRICE,

Plaintiff,

vs.

MERCK & CO., INC.,

Defendant.

8:05CV361

**MEMORANDUM
AND ORDER**

Pursuant to the attached correspondence and conditional transfer order from the Judicial Panel on Multidistrict Litigation received in my chambers on August 29, 2005, I shall order the parties to advise the court when the referenced transfer order has been filed with the United States District Court for the Eastern District of Louisiana.

IT IS ORDERED:

1. The Clerk of the United States District Court for the District of Nebraska shall file the attached correspondence and conditional transfer order from the Judicial Panel on Multidistrict Litigation, along with this memorandum and order; and

2. The parties shall advise the court when the referenced transfer order has been filed with the United States District Court for the Eastern District of Louisiana.

August 30, 2005.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 24, 2005

Honorable Eldon E. Fallon
U.S. District Judge
500 Poydras Street
C-456 Hale Boggs Federal Building
& U.S. Courthouse
New Orleans, LA 70130

RECEIVED

AUG 29 2005

RICHARD G. KOPF
U.S. DISTRICT JUDGE

Re: MDL-1657 -- In re Vioxx Products Liability Litigation

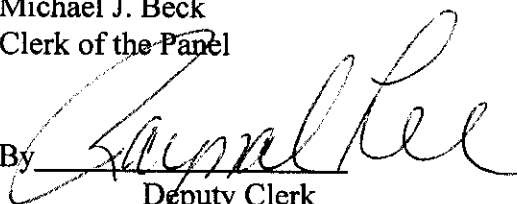
(See Attached Schedule CTO-22)

Dear Judge Fallon:

For your information, I am enclosing a copy of a conditional transfer order filed today by the Panel in this matter.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

cc: (See Attached List of Judges)

JPML Form 39B

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 24 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1657

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-22)

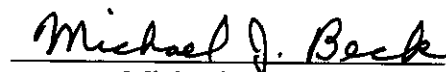
On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,259 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-22 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA NORTHERN	
ALN 2 05-1505	Bonnie Morrow v. Merck & Co., Inc.
ALN 6 05-1512	Patricia Sutherland v. Merck & Co., Inc., et al.
ALABAMA SOUTHERN	
ALS 2 05-425	Marquerite Woods v. Merck & Co., Inc., et al.
ARKANSAS WESTERN	
ARW 6 05-6052	Betty Featherston, et al. v. Merck & Co., Inc.
CALIFORNIA NORTHERN	
CAN 3 05-2881	Peggy Johnson v. Merck & Co., Inc., et al.
CAN 3 05-2894	David McArthur v. Merck & Co., Inc.
FLORIDA MIDDLE	
FLM 3 05-683	Carol Lee Watkins v. Merck & Co., Inc.
FLM 3 05-684	Brenda Schneble v. Merck & Co., Inc.
FLM 3 05-685	Jacqueline Silva, etc. v. Merck & Co., Inc., et al.
FLM 3 05-686	Ann Danziger, et al. v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN	
FLS 9 05-80662	Alice Thomashefski v. Merck & Co., Inc.
ILLINOIS NORTHERN	
ILN 1 05-4103	Norbert Cipowski, etc. v. Merck & Co., Inc., et al.
ILLINOIS SOUTHERN	
ILS 3 05-508	Betty Herrick v. Merck & Co., Inc.
KENTUCKY WESTERN	
KYW 1 05-100	Sharron Haynes v. Merck & Co., Inc.
LOUISIANA MIDDLE	
LAM 3 05-965	Aujest Cheramie v. Merck & Co., Inc.
MAINE	
ME 1 05-111	Carol Lally v. Merck & Co., Inc.
MINNESOTA	
MN 0 05-1407	John Utke v. Merck & Co., Inc.
MN 0 05-1466	Connie S. Bell v. Merck & Co., Inc.
MN 0 05-1475	Elizabeth M. Skofich v. Merck & Co., Inc.
MN 0 05-1534	Marjorie J. Savoie v. Merck & Co., Inc.
MISSOURI EASTERN	
MOE 4 05-1129	Geraldine Moore, et al. v. Merck & Co., Inc., et al.
MOE 4 05-1161	John Fischer v. Merck & Co., Inc.
MOE 4 05-1164	Robert O'Conner v. Merck & Co., Inc.

SCHEDULE CTO-22 TAG-ALONG ACTIONS (MDL-1657)

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<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSISSIPPI NORTHERN MSN 1 05-176	Dora Prince v. Merck & Co., Inc.
MISSISSIPPI SOUTHERN MSS 3 05-435	Kathy DeKay, et al. v. Merck & Co., Inc.
MONTANA MT 2 05-47	Stanley Hanson, et al. v. Merck & Co., Inc.
NORTH CAROLINA EASTERN NCE 7 05-138	Daisy Stevens v. Merck & Co., Inc.
NEBRASKA NE 8 05-361	Terry Price v. Merck & Co., Inc.
NEW MEXICO NM 1 05-597	Kirk Bailey, etc. v. Merck & Co., Inc.
NEW YORK EASTERN NYE 1 05-3336 NYE 1 05-3337 NYE 1 05-3391	Teresa Binkowska v. Merck & Co., Inc. Anna Lambropoulos, et al v. Merck & Co., Inc. Mark Bergman v. Merck & Co., Inc., et al.
NEW YORK SOUTHERN NYS 1 05-6630	Gene Stein v. Merck & Co., Inc.
OHIO NORTHERN OHN 4 05-1512	Frank W. Bodak, et al. v. Merck & Co., Inc.
OHIO SOUTHERN OHS 2 05-648 OHS 2 05-680 OHS 2 05-694	Glenna M. Moyer, et al. v. Merck & Co., Inc. Thomas Holowitz v. Merck & Co., Inc. Kathy Melvin-Knodel, etc. v. Merck & Co., Inc.
OREGON OR 3 05-1105	Robert Kanable v. Merck & Co., Inc.
PENNSYLVANIA EASTERN PAE 2 05-3560 PAE 2 05-3681 PAE 2 05-3684 PAE 2 05-3693 PAE 2 05-3696 PAE 2 05-3740 PAE 2 05-3773 PAE 2 05-3832	Louis LaPila, et al. v. Merck & Co., Inc., et al. Linda Gates, et al. v. Merck & Co., Inc. Richard M. Armour, et al. v. Merck & Co., Inc. Diana M. Trakimas v. Merck & Co., Inc. Karen S. Krout, et al. v. Merck & Co., Inc. Milo Magnan, et al. v. Merck & Co., Inc., et al. Sharon McClinton Jones, etc. v. Merck & Co., Inc., et al. Barbara Salyers v. Merck & Co., Inc., et al.
PENNSYLVANIA WESTERN PAW 3 05-306	Donald Graham, Sr., etc. v. Merck & Co., Inc.
RHODE ISLAND RI 1 05-325	Shirley Asan v. Merck & Co., Inc.

SCHEDULE CTO-22 TAG-ALONG ACTIONS (MDL-1657)

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DIST. DIV. C.A. #

CASE CAPTION

TENNESSEE WESTERN

TNW 1 05-1168
TNW 1 05-1209
TNW 1 05-1210
TNW 1 05-1211
TNW 2 05-2534

John J. Stockton, et al. v. Merck & Co., Inc.
LeRoyce Wallace, et al. v. Merck & Co., Inc., et al.
Tilda N. Simmons v. Merck & Co., Inc., et al.
James H. Oliver, et al. v. Merck & Co., Inc., et al.
Edmund Raines v. Merck & Co., Inc., et al.

TEXAS EASTERN

TXE 2 05-335
TXE 2 05-336

Larry G. Burdett, et al. v. Merck & Co., Inc., et al.
Charleen R. Hranicky, et al. v. Merck & Co., Inc., et al.

TEXAS SOUTHERN

TXS 1 05-210
TXS 4 05-2556

Jackie Roberts, etc. v. Juan Marcos Garcia, M.D., et al.
John O'Neill, et al. v. Merck & Co., Inc.

TEXAS WESTERN

TXW 1 05-531
TXW 1 05-540
TXW 3 05-270

Ronald D. Boyd, et al. v. Merck & Co., Inc.
Marilyn J. Walters v. Merck & Co., Inc.
Martin Galindez v. Merck & Co., Inc.

WASHINGTON EASTERN

WAE 2 05-221

John Stephen Moore, et al. v. Merck & Co., Inc.

INVOLVED JUDGES LIST (CTO-22)
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Hon. Henry Lee Adams, Jr.
 U.S. District Judge
 United States District Court
 11-200 U.S. Courthouse
 300 N. Hogan Street
 Jacksonville, FL 32202-4245

Hon. William H. Barbour, Jr.
 U.S. District Judge
 430 James O. Eastland U.S.
 Courthouse
 245 East Capitol Street
 Jackson, MS 39201

Hon. James J. Brady
 U.S. District Judge
 369 Russell B. Long Federal Bldg.
 777 Florida Street
 Baton Rouge, LA 70801-1712

Hon. Frederick R. Buckles
 U.S. Magistrate Judge
 U.S. District Court
 Thomas F. Eagleton U.S. Courthouse
 111 South Tenth Street
 St. Louis, MO 63102-9958

Hon. Elaine E. Bucklo
 U.S. District Judge
 Everett McKinley Dirksen
 U.S. Courthouse
 219 South Dearborn Street
 Chicago, IL 60604

Hon. Maxine M. Chesney
 U.S. District Judge
 Phillip Burton U.S. Courthouse
 Box 36060
 450 Golden Gate Avenue
 San Francisco, CA 94102-3489

Hon. Robert T. Dawson
 U.S. District Judge
 U.S. District Court
 P.O. Box 1624
 Fort Smith, AR 72902-1624

Hon. Peter C. Economus
 U.S. District Judge
 313 Federal Building & U.S.
 Courthouse
 125 Market Street, Room 313
 Youngstown, OH 44503

Hon. Keith P. Ellison
 U.S. District Judge
 Bob Casey U.S. District Court
 515 Rusk Street
 Room 8631
 Houston, TX 77002

Hon. Patricia C. Fawcett
 Chief Judge, U.S. District Court
 611 George C. Young U.S. Courthouse
 80 North Hughey Avenue
 Orlando, FL 32801

Hon. Louise Wood Flanagan
 Chief Judge, U.S. District Court
 U.S. District Court
 413 Middle Street
 New Bern, NC 28560

Hon. Donovan W. Frank
 U.S. District Judge
 738 Warren E. Burger Federal Bldg.
 316 North Robert Street
 St. Paul, MN 55101

Hon. Gregory L. Frost
 U.S. District Judge
 349 Joseph P. Kinneary U.S. Courthouse
 85 Marconi Boulevard
 Columbus, OH 43215

Hon. John P. Fullam
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 15614 James A. Byrne U.S. Courthouse
 601 Market Street
 Philadelphia, PA 19106-1780

Hon. Kim R. Gibson
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 U.S. District Court
 104 Penn Traffic Building
 319 Washington Street
 Johnstown, PA 15901

Hon. Callie V.S. Granade
 Chief Judge, U.S. District Court
 123 John A. Campbell U.S. Crthse.
 113 St. Joseph Street
 Mobile, AL 36602-3621

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 215 First Avenue, North
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 156 Federal Street
 Portland, ME 04101

Hon. Inge P. Johnson
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 361 Hugo L. Black U.S. Courthouse
 1729 5th Avenue North
 Birmingham, AL 35203

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 Brooklyn, NY 11201

Hon. Richard G. Kopf
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 586 Robert V. Denney U.S. Courthouse
 100 Centennial Mall North
 Lincoln, NE 68508

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 310 John O. Pastore Federal Bldg.
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INVOLVED JUDGES LIST (CTO-22) MDL-1657

PAGE 2 of 2

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910 Daniel Patrick Moynihan U.S.
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500 Pearl Street
New York, NY 10007

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907 Clifford Davis Federal Bldg.
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Hon. Michael P. Mills
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335 Federal Bldg. & U.S. Courthouse
911 Jackson Avenue, West
Oxford, MS 38655

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511 East San Antonio Avenue
El Paso, TX 79901

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Albuquerque, NM 87102

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600 East Harrison Street
Brownsville, TX 78520

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444 U.S. Courthouse
111 South Highland Ave.
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13E U.S. Courthouse
300 South Fourth Street
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Hon. T. John Ward
U.S. District Judge
United States District Court
100 E. Houston Street
Marshall, TX 75670

Hon. Lee Yeakel
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